



ILLINOIS DEPARTMENT OF LABOR

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Governor

Joseph Costigan
Director

June 4, 2012

On June 1, 2012, the Department filed emergency rules for the “Carnival and Amusement Rides Safety Act” [56 IAC 6000] specific to zip lines. The emergency rule became effective immediately for 150 days and will expire on October 28, 2012.

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT CHAPTER XIII: DEPARTMENT OF LABOR

PART 6000 CARNIVAL AND AMUSEMENT RIDES SAFETY ACT

Section

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AUTHORITY: Implementing and authorized by the Carnival and Amusement Rides Safety Act [430 ILCS 85].

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10 Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117, effective October 27, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days; emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 3235, effective February 9, 1990, for a maximum of 150 days; emergency expired July 9, 1990; amended at 15 Ill. Reg. 4109, effective February 28, 1991; emergency amendment at 16 Ill. Reg. 7716, effective May 11, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12436, effective August 1, 1992; amended at 16 Ill. Reg. 15415, effective September 28, 1992; amended at 17 Ill. Reg. 14910, effective September 1, 1993; amended at 18 Ill. Reg. 13384, effective September 1, 1994; amended at 21 Ill. Reg. 5135, effective April 15, 1997; amended at 21 Ill. Reg. 14954, effective December 1, 1997; amended at 24 Ill. Reg. 490, effective January 1, 2000; amended at 26 Ill. Reg. 871, effective January 9, 2002; amended at 27 Ill. Reg. 17992, effective November 14, 2003; amended at 28 Ill. Reg. 10569, effective July 19, 2004; amended at 30 Ill. Reg. 12093, effective June 30, 2006; amended at 34 Ill. Reg. 763, effective December 29, 2009; emergency amendment at 34 Ill. Reg. 13646, effective September 10, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 195, effective December 20, 2010; emergency amendment at 36 Ill. Reg. _____, effective _____, for a maximum of 150 days.

Section 6000.10 Definitions
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In addition to those definitions found in Section 2-2 of the Carnival and Amusement Rides Safety Act (the Act) [430 ILCS 85/2-2], the following definitions shall apply for the purposes of this Part:

"Act" means the Carnival and Amusement Rides Safety Act [430 ILCS 85].

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"Administrative Hearing Fee" means a fee assessed by the Department upon an operator when the Department issues a notice for an administrative hearing to suspend the Permit to Operate and/or collect past due fees.

"All-Terrain Vehicle" or "ATV" means any vehicle designed and manufactured for off-road use.

"A.M. Best" or "Best" is the abbreviation for A.M. Best Company, Ambest Road, Oldwick NJ 08858.

"Annual Inspection" is the official inspection of an amusement ride or amusement attraction performed by the Director or the Director's designee.

"ANSI" is the abbreviation for the American National Standards Institute, Inc., 1430 Broadway, New York NY 10018.

"ASNT" is the abbreviation for the American Society for Nondestructive Testing, Inc., 1711 Arlingate Plaza, P.O. Box #28518, Columbus OH 43228-0518.

"ASTM" means ASTM International, 100 Barr Harbor Drive, West Conshohocken PA 19428-2959.

"Board" means the Carnival-Amusement Safety Board as defined in Section 2-3 of the Act.

"Carabiners" means shaped metal or alloy device used to connect sections of jump rigging, equipment or safety gear.

"Carnival" means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or amusement rides. (Section 2-2(5) of the Act)

"Carnival Worker" means a person who is employed (and is therefore not a volunteer) by a carnival or fair to manage, physically operate, or assist in the operation of an amusement ride or amusement attraction when it is open to the public. (Section 2-2(8) of the Act)

"Certified Arborist" means an individual who holds a valid arborist certificate from the International Society of Arboriculture or comparable authority in another state.

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"Coaster – Intermediate" means any coaster that is more than 25 feet but less than 50 feet in height at the highest point of the track above grade.

"Coaster – Large" means any coaster that is 50 feet or more at the highest point of the track above grade.

"Concession Go-kart" means a go-kart specifically designed and manufactured for indoor and/or outdoor use for up to 15 mph.

"Department" means Illinois Department of Labor. (Section 2-2(2) of the Act)

"Director" means the Director of the Illinois Department of Labor or the Director's designee. (Section 2-2(1) of the Act)

"Dry Slides" means an inclined surface with a change in elevation of 20 feet or more upon which people slide or are conveyed.

"Dune Buggy" means a small vehicle generally made from standard compact rear engine chassis and prefabricated, often fiberglass body, originally equipped with wide low-pressure tires for driving on sand.

"Employee", for purposes of this Part, means an individual who is performing services for pay or lodging as an attendant or assistant on an amusement ride or amusement attraction.

"Employed" means to perform services for pay or lodging as an attendant or assistant on an amusement ride or amusement attraction.

"Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with which amusement rides or amusement attractions are operated. (Section 2-2(6) of the Act)

"Inflatable Amusement Attraction" means a device consisting of air-filled structures designed for use, as specified by the manufacturer, that may include but is not limited to bounce, climb, slide or interactive play. They are made of flexible fabric, kept inflated by continuous air flow by one or more blowers, and rely upon air pressure to maintain their shape. This definition shall not include inflatable devices that are used for professional exhibition or stunt work, safety and rescue activities, aerial or aviation structures or devices, exhibit floats or similar inflatable devices.

"In-line Riding" means one person in front of the other.

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"Kiddie Kart" means karts that are designed for 75 pounds or less per passenger and go less than 10 mph.

"Kiddie Rides" are those amusement rides or amusement attractions that are designed for 75 pounds or less per passenger.

"Licensed Professional Engineer" means an individual who holds a valid license as a licensed professional engineer from the Illinois Department of Financial and Professional Regulation or comparable authority in another state.

"Licensed Structural Engineer" means an individual who holds a valid license as a licensed structural engineer from the Illinois Department of Financial and Professional Regulation or comparable authority in another state.

"Major Alteration" means a change in the type or capacity of an amusement ride or amusement attraction or a change in the structure or mechanism that materially affects its functions or operation. This includes, but is not limited to changing its mode of transportation from non-wheeled to a truck or flat-bed mount, and changing its mode of assembly or other operational functions from manual to mechanical or hydraulic.

"Major Breakdown" means a stoppage of operation of an amusement ride or amusement attraction occurring from damage of a structural component.

"Major Rides" are those amusement rides or amusement attractions that are designed for more than 75 pounds per passenger unit. The term includes any coaster that is 25 feet or less at the highest point of the track above grade.

"NFPA" is the abbreviation for National Fire Protection Association, Batterymarch Park, Quincy MA 02269.

"Operating System" means the system of processing a patron through the zip line route used on a particular site. This includes registration, preparation, getting to the landing point, methods of attachment, the rigging and lowering system and the landing recovery method.

"Operator" means a person, or agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or amusement attraction at a carnival or fair. "Operator" includes an agency of the State or any of its political subdivisions.
(Section 2-2(7) of the Act) For the purpose of this Part:

Owner means the person, partnership, company, corporation, or any other entity, or agency of the State or any of its political subdivisions, that owns an

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amusement ride or amusement attraction.

Agent means a person employed by the Owner to carry out the responsibilities of management on the Owner's behalf.

Manager means a person employed by the Owner and who is responsible to the Agent or the Owner for the day-to-day on-site management of the amusement rides or amusement attractions.

Attendant means a person employed by the Owner to physically operate an amusement ride or amusement attraction when it is open to the public.

Assistant means a person employed by the Owner to assist the Attendant in operating an amusement ride or amusement attraction when it is open to the public.

"Payment of Fees" shall be deemed made when the Department receives in the Springfield office all fees due as calculated on the application in the form of a check or money order made payable to "Illinois Department of Labor". All fees shall be paid before a permit to operate an amusement ride or amusement attraction is issued.

"Permit" means a permit issued annually by the Department allowing an amusement ride or amusement attraction unit to be operated in the State of Illinois.

"Public Use" means an operator of an amusement ride or amusement attraction does not prohibit or restrict access to the amusement ride or amusement attraction by members of the community, except as permitted under Section 2-19 of the Act and Section 6000.130 of this Part.

"Racing Go-Kart" means a go-kart specifically designed and manufactured for racing at 15 mph or more, for indoor or outdoor use.

"Roll Over Protection System" means a system that supports the combined driver and/or passenger weight capacity, as specified by the manufacturer, and the weight of the vehicle.

"Reinspection" is an inspection, other than the annual inspection made during the year, as a result of any necessary repairs not being completed while the inspector is on site.

"SAE" means the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale PA 15096-0001.

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"Serious Injury" means an injury for which treatment by a licensed physician is required.

"Snell Foundation" means Snell Memorial Foundation, 3628 Madison Avenue, North Highlands CA 95660.

"Tram" means *any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the Secretary of State, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides.* (Section 2-2(4) of the Act)

"Volunteer" means *a person who operates or assists in the operation of an amusement ride or amusement attraction for an owner or operator without pay or lodging. An individual shall not be considered a volunteer if the individual is otherwise employed by the same owner or operator to perform the same type of service as those for which the individual proposes to volunteer.* (Section 2-2(9) of the Act)

"Zip line" means a system consisting of a pulley or trolley that is suspended on a cable mounted on an incline allowing a rider to travel from the departure point to an arrival point by holding onto or attaching to the pulley.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 6000.350 Zip Lines
EMERGENCY

- a) In addition to the definitions in Section 6000.10, the following shall apply:

"Operation, Maintenance, Inspection and Training Manual" or "Manual" means a document containing the procedures and forms for the operation of the zip line activity and equipment on the site.

- b) This Section shall govern all zip lines in operation on the effective date of this Section and zip lines in operation after the effective date of this Section. However, the Director may grant a permit to an operator of a zip line that is in operation on the effective date of this Section that does not meet all the standards set forth in this Section if the operator is able to clearly demonstrate that the applicable safety requirements throughout this Part are substantially satisfied so as to ensure the safety of the public.

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- c) This Section specifies the site, site approval, design, testing of equipment, management of the operation, operating procedures, emergency provisions and procedures for zip lines from any mechanical operated platforms that carry jumpers to the top of the structure. All zip lines shall meet the manufacturer's standards and specifications.
- d) Site and Operating Approval
 - 1) Site Plan and Equipment Design and Construction
 - A) All mobile and fixed operations of zip line operating systems shall be designed and sealed by a licensed professional engineer and a licensed structural engineer. The report shall contain site plans, safety zones, drawings and specifications of equipment, platform, rigging system and safety equipment. The report shall be submitted to the Department prior to construction and shall be maintained on-site wherever the zip line is operating.
 - B) An engineering evaluation shall be conducted annually and each time a major component is modified.
 - C) The Department shall maintain the confidentiality of the engineer's report as authorized by Section 7(1)(g) of the Freedom of Information Act [5 ILCS 140/7(1)(g)].
- e) General Compliance Criteria
 - 1) Equipment
 - A) Zip lines shall have no exposed wires/strands within reach of the users that may result in injury.
 - B) When a portion of the zip line or landing area is not visible from the zip departure point, a departure procedure shall be utilized to ensure a clear unobstructed run.
 - C) There shall be adequate clear space above, below and around the zip line to ensure the user will not strike or contact any obstruction, object or person.
 - D) Rescue ropes, equipment appropriate to applicable rescue loads, and rescue plans and personnel trained to retrieve a participant from anywhere within zip line spans shall be present during use.

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- E) Carabiners and snap-hooks shall comply with the gate strength and other applicable requirements of ANSI/ASSE Z359.1 (2007) for the manufacturer's estimated life cycle of the product. Carabiners and snap-hooks shall be auto-closing and auto-locking and require at least two deliberate consecutive actions to open.
 - F) Items carried by users, including hair and clothing, that may cause entanglement in safety equipment or component parts shall be secured in a proper fashion.
 - G) Pulleys and trolleys shall be of the double wheel type construction per the design specification to eliminate derailing during operation.
- 2) Zip Line Arrival Point, Protection & Braking
- A) Zip line courses shall have appropriate safety devices such as impact absorbing materials, ground cover, load limiters, landing mats or nets installed as necessary at the zip line arrival point. These safety devices shall be included in the engineered drawings.
 - B) One or more of the following methods shall be included in the operating system of the zip line course:
 - i) Impact absorbent ground cover, impact absorber/load limiter, landing mats, nets, water landings or other protective methods installed in arrival areas to reduce injury potential.
 - ii) Passive braking systems shall not require any action by the user and shall always be in effect through gravity, engineered or mechanical means.
 - iii) Active breaking systems with use of a mechanical breaking system and patron training prior to use.
 - C) Parked vehicles shall not be allowed as tie-off points for the termination of zip lines for anchors.
 - D) If an operator wants to use a tree as an anchor point for the termination of a zip line or to secure the takeoff platform of a zip line, the tree or trees shall be inspected and approved by a certified arborist to ensure good health and stability of the trees.

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- 3) Zip Line Takeoff Platform
 - A) Takeoff platforms shall be designed to prevent the participant from striking any portion of the platform or lower obstacle during the takeoff.
 - B) Angles of inclination of the landing ramps shall not constitute a tripping hazard for the user.
 - C) Where necessary, impact absorbing material shall be utilized to prevent injury.
- f) Site Operating Manual and Documentation
 - 1) Each site shall have an operating manual for the safe operation of zip line activities on that site. The manual and all amendments shall be on site and shall be freely available to staff and governing bodies.
 - 2) The manual shall include the procedures to be used to meet the requirements of this Part.
 - 3) The manual shall include, but not be limited to, the following:
 - A) A site plan;
 - B) A description of operating systems and equipment;
 - C) Job procedures, including training, for each task in the operating system;
 - D) Job descriptions;
 - E) Sample of staff qualifications;
 - F) Staff selection procedures;
 - G) Maintenance standards and procedures;
 - H) Testing procedures and recording;
 - I) Criteria for the periodic replacement of rigging;

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- J) Criteria for the regular planned inspections of ropes, webbings and bindings;
 - K) Emergency plan and procedures;
 - L) Reporting of injuries, damage and incidents;
 - M) Requirements for maintaining logs, including:
 - i) Site;
 - ii) Equipment and rigging;
 - iii) Personnel;
 - N) Records to be kept;
 - O) Requirements for analysis of records;
 - P) Inspection procedures, standards and follow-up actions; and
 - Q) Examples of forms to be used.
- g) Emergency Provisions and Procedures
- 1) Each site shall have an emergency plan.
 - 2) A medium first aid kit and blankets shall be on site.
 - 3) Emergency lighting shall be provided at sites that operate between ½ hour prior to sunset and ½ hour after sunrise. The emergency lighting system shall illuminate the takeoff platform, the zip line, zip line course and the arrival point for patrons. The emergency lighting system shall have its own power source.
 - 4) In inclement weather, including but not limited to lightning, rain, hail, snow or high winds, operations shall cease and patrons shall not be allowed to ride the zip line or be on or near the platforms or termination points of the ride.
- h) The Department's approval shall specifically not be used in any advertisement, brochures, commercials, TV or radio show, newspaper, or in any other public manner.

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(Source: Added by emergency rulemaking at 36 Ill. Reg. _____, effective _____, for a maximum of 150 days)